

REMARKS / ARGUMENTS

In view of the following remarks and arguments, Applicant believes the pending application is in condition for allowance. Reconsideration is respectfully requested.

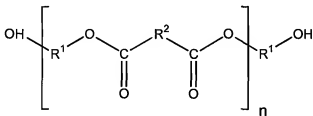
I. Status of the Claims

Claims 1-10 are pending and are presented herein as a courtesy to the Examiner. No amendment to the claims is made.

II. Claim Rejections under 35 U.S.C. § 102(b)

Claims 1-3 and 6-10 are rejected under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 6,221,978 to Li et al. ("Li") when taken with DYNACOLL® polyester data from Degussa® ("Degussa"). The Examiner contends that Li taken with Degussa discloses every element recited in the claims. Applicant respectfully traverses the rejections.

Claim 1 recites the element of "long-chain aliphatic polyester polyol (A) represented by a general formula (I)" ("the aliphatic polyester polyol element"). The general formula (I) has the following formula.



Since claims 4 and 5 depend from claim 1, they both contain the aliphatic polyester polyol element of claim 1.

The Examiner's rejections of claims 4 and 5 on the ground of *prima facie* obviousness is predicated on the assertion that Li taken with Degussa teaches the aliphatic polyester polyol element recited in claim 1.⁸ However, as discussed above, Li together with Degussa does not disclose the aliphatic polyester polyol presented by the Examiner. Further, Applicant respectfully submits that Critchfield also does not disclose the aliphatic polyester polyol element of claim 1.

At least for these reasons, Li taken with Degussa and further in view of Critchfield does not render claims 4 and 5 obvious. Applicant respectfully requests that the rejections thereof be withdrawn.

⁸ Office Action mailed October 17, 2007, page 5, line 1 ("Li teaches the composition as set forth in claims 1-3 and 6-10 above").

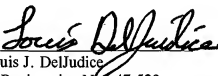
CONCLUSION

In view of the foregoing, it is believed that claims 1-10 are in immediate condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: February 15, 2008

Respectfully submitted,

By 
Louis J. DeJudice
Registration No.: 47,522
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7791
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant